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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,679	08/07/2007	Roland Finkler	FINKLER-3	2745
20151 7590 06/09/2009 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER				
IP, SHIK LUEN PAUL				
ART UNIT		PAPER NUMBER		
2837				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/599,679

**Applicant(s)**

FINKLER, ROLAND

**Examiner**

/PAUL IP/

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 4/3/2007 complies with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 27 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Gierling et al (6,236,925).

Gierling et al show in figure 1 a motor control device comprising a control component 20 adapted to provide a control signal; a signal dividing device S5 adapted to divide the control signal into at least two signal portions S6 and S16, one of the control signal portions being a higher value signal portion and the other one of the control signal portions being a lower value signal portion (It is inherent that Filter 1 (5) and Filter 2 (6) either have the same value or have different value such as one has higher value than the other.); at least one signal processing device (FILTER 1 and

FILTER 2) adapted to process each of the at least two control signal portions in different ways; and an adder + adapted to add together the differently processed control signal portions before further processing.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 28-32 and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gierling et al (6,236,925) in view of Smith (5,087,866).

Gierling et al show in figure 1 a motor control device comprising a control component 20 adapted to provide a control signal; a signal dividing device S5 adapted to divide the control signal into at least two signal portions S6 and S16, one of the control signal portions being a higher value signal portion and the other one of the control signal portions being a lower value signal portion (It is inherent that Filter 1 (5) and Filter 2 (6) either have the same value or have different value such as one has

higher value than the other.); at least one signal processing device (FILTER 1 and FILTER 2) adapted to process each of the at least two control signal portions in different ways; and an adder + adapted to add together the differently processed control signal portions before further processing.

However, the patent to Smith discloses a control system comprising a low pass filter for providing a compensation signal. Prima facie case is made that the use of a filter for PID (proportional and integrated) device is notorious old in the art for filtering noise or vibration or damping signals. Gierling et al use filters 5 and 6 for different filtering time operations. It is inherent or obvious that the filters 5 and 6 have different filtering functions such as one has higher value than the other. Since Gierling et al use of filters 5 and 6 for signal processing, it would have been obvious to one of ordinary skill in the art to provide Gierling et al with the filter as taught or suggested by Smith.

### ***Response to Amendment***

8. Applicant's arguments with respect to claims 27-40 have been considered but are moot in view of the new ground(s) of rejection.

Claims 27-40 are drafted in the board sense that the claims fail to clearly define the body of the invention as shown in figure 3 of the drawings incorporated with the other elements as shown in the figure in order to define the patentable subject matter of the invention. The sole recitation of the signal dividing device and at least one signal processing device in the claims produce a board motor control device which can be read on any two filter circuits used in motor control devices on the market, such as vehicle shock absorbers with vibration damping filters for controlling the suspension

motors of the vehicle. Applicant should amend the claims in view of figures 3 and 4 of the drawings incorporating with the other elements different from the prior art figures 1 and 2 in order to proper claim the subject matter of the invention.

***Communication Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /PAUL IP/ whose telephone number is (571)272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson, can be reached on (571)-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Internet correspondence **MUST** be provided with a prior written authorization by applicant in the application file record giving the Office authorization to communicate with applicant via e-mail. Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/PAUL IP/  
Primary Examiner  
Art Unit 2837

6/4/2009